

AMENDED IN SENATE APRIL 16, 2009

**SENATE BILL**

**No. 617**

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**Introduced by Senator Harman**

**(Coauthor: Senator Runner)**

*(Coauthors: Assembly Members Bill Berryhill, DeVore, Hagman, and Jeffries)*

February 27, 2009

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An act to add Section 387.5 to the Code of Civil Procedure, relating to civil actions.

LEGISLATIVE COUNSEL'S DIGEST

SB 617, as amended, Harman. Intervention: initiatives.

Under existing law, upon timely application, any person who has an interest in the matter in litigation, or in the success of either of the parties, or an interest against both, may intervene in the action or proceeding. An intervention takes place when a 3rd person is permitted to become a party to an action or proceeding between other persons, as specified.

This bill would provide that the proponent, *as defined*, of a state initiative statute or constitutional amendment that has been approved by the voters shall have the right to intervene and participate in any court action challenging the constitutionality of that initiative statute or constitutional amendment.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 387.5 is added to the Code of Civil  
2 Procedure, to read:

3     387.5. (a) The proponent of a state initiative statute or  
4 constitutional amendment that has been approved by the voters  
5 shall have the right to intervene and participate in any court action  
6 challenging the constitutionality of that initiative statute or  
7 constitutional amendment.

8     (b) *For purposes of this section, “proponent” means the person*  
9 *or persons who submit a draft of a petition proposing the measure*  
10 *to the Attorney General with a request that he or she prepare a*  
11 *title and summary of the chief purpose and points of the proposed*  
12 *measure.*